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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
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9 United States of America, ) No. CR-12-8225-PCT-NVW (MHB)  
10 Plaintiff, ) **ORDER OF DETENTION**  
11 vs. )  
12 )  
13 Jefferson Gatewood, )  
14 Defendant. )  
15

16 In accordance with Title 18 U.S.C. § 3142 of the Bail Reform Act, a detention hearing  
17 was held in the above-captioned matter. The Court finds that the Government has  
18 established: (Check one or both, as applicable)

19 ☐ by clear and convincing evidence, Defendant is a danger to the community and shall be  
20 detained pending trial.  
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22 ☐ by a preponderance of the evidence, Defendant is a serious flight risk and shall be  
23 detained pending trial.  
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**PART I -- FINDINGS OF FACT**

25 ☒ (1) There is probable cause to believe that Defendant has committed the following:  
26 ☒ an offense for which a maximum term of imprisonment of ten years or more is  
27 prescribed in 18 U.S.C. §§ 2241(a), 2242(2)(B);  
28

- 1 ☐ an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332(b).
- 2
- 3 ☐ an offense listed in 18 U.S.C. § 2332b(g)(5)(B) (crimes of terrorism) for which
- 4 a maximum term of imprisonment of ten years or more is prescribed.
- 5
- 6 ☒ an offense involving a minor victim prescribed in 18 U.S.C. §§ 2241(a),
- 7 2242(2)(B).
- 8
- 9 ☒ (2) Defendant has not rebutted the presumption established by finding (1) that no
- 10 condition or combination of conditions will reasonably assure the safety of the
- 11 community.

### Alternative Findings

- 12 ☐ (1) There is a serious risk that Defendant will flee and no condition or combination of
- 13 conditions will reasonably assure Defendant's appearance as required at future court
- 14 proceedings.
- 15
- 16 ☐ (2) No condition or combination of conditions will reasonably assure the safety of the
- 17 community or others if Defendant were released from detention.
- 18
- 19 ☐ (3) There is a serious risk that the defendant will (obstruct or attempt to obstruct
- 20 justice) (threaten, injure, or intimidate a prospective witness or juror).
- 21
- 22 ☐ (4) \_\_\_\_\_

23 \_\_\_\_\_

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25 \_\_\_\_\_

### PART II -- WRITTEN STATEMENT OF REASONS FOR DETENTION

(Check one or both, as applicable)

- 26
- 27 ☒ (1) The Court finds that credible testimony and information submitted at the hearing
- 28

1 establish by clear and convincing evidence as to danger that:

2 1. Defendant was indicted on March 29, 2011 by a federal grand jury in the District of  
3 Arizona in CR-11-8074 and a second superceding indictment returned on multiple counts  
4 of for Attempted Aggravated Sexual Abuse of a Minor, Aggravated Sexual Abuse of  
5 a Minor, Abusive Sexual Abuse of a Minor and awaiting trial on November 6, 2012; 2.  
6 Defendant is presently detained in CR-11-8074; 3. Defendant was convicted of AWDW  
7 and Rape in U.S. District Court of Arizona (Phoenix) in 1987.  
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10

11 ☐ (2) The Court finds by a preponderance of the evidence as to risk of flight that:

12 ☐ Defendant has no significant contacts in the District of Arizona;

13 ☐ Defendant has no resources in the United States from which he/she might  
14 make a bond reasonably calculated to assure his/her future appearance;

15 ☐ Defendant has a prior criminal history;

16 ☐ Defendant has a record of failure(s) to appear in court as ordered;

17 ☐ Defendant attempted to evade law enforcement contact by fleeing from law  
18 enforcement;  
19

20 ☐ Defendant is facing a minimum mandatory of \_\_\_\_\_ incarceration and  
21 a maximum of \_\_\_\_\_ if convicted;  
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☐ Defendant does not dispute the information contained in the Pretrial Services Report, and all supplements, if any, except:

☐ In addition:

The Court incorporates by reference the findings of the Pretrial Services report and all supplements, if any, which were reviewed by the Court at or before the time of the hearing in this matter.

### **PART III -- DIRECTIONS REGARDING DETENTION**

**IT IS ORDERED** that Defendant is hereby committed to the custody of the Attorney General or his/her designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. 18 U.S.C. § 3142(i)(2). Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. 18 U.S.C. § 3142(i)(3). Upon order of a court of the United States or request of an attorney for the Government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshal Service for the purpose of an appearance in connection with a court proceeding. 18 U.S.C. § 3142(i)(4).

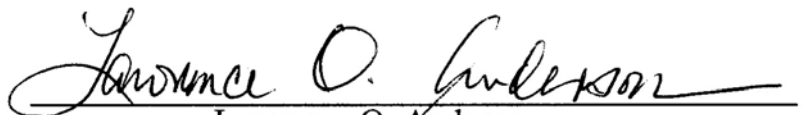
### **PART IV -- APPEALS AND THIRD PARTY RELEASE**

**IT IS FURTHER ORDERED** that should a review of this detention order be filed pursuant to 18 U.S.C. § 3145, it is the responsibility of the movant's attorney to

1 deliver a copy of the motion for review to U.S. Pretrial Services, at least, one day prior to  
2 the review hearing set before the assigned District Judge. Pursuant to Rule 59(a), Fed.R.  
3 Crim.P. (2010), a party seeking review shall have **fourteen (14) days** to file a motion for  
4 review after being served with a copy of this written order, after the oral order is stated on  
5 the record, or at some other time the assigned District Judge may set. Failure to timely file  
6 a motion for review in accordance with Rule 59(a) may waive the right to review. Rule  
7 59(a), Fed.R.Crim.P.

8 **IT IS FURTHER ORDERED** that the issue of detention may be reopened at any  
9 time before trial upon a finding that information exists that was not known to the movant  
10 at the time of the detention hearing and such information has a material bearing on the  
11 issue whether there are conditions of release that will reasonably assure the appearance of  
12 Defendant as required and the safety of any other person and the community. Title 18  
13 U.S.C. § 3142(f).

14 DATED this 19<sup>th</sup> day of October, 2012.

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17 Lawrence O. Anderson  
18 United States Magistrate Judge  
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